

# THE TRUTH IN TUNA LABELING ACT OF 2003

Mr. HOLLINGS. Mr. President, I rise today in support of the Truth in Tuna Labeling Act of 2003. This act would amend the Dolphin Protection Consumer Information Act by reinstating an important consumer provision that had been a part of U.S. law since 1990. The provision in this bill would ensure our consumers that tuna fish sold in the United States that is labeled "dolphin safe" in fact was caught in a way that will not harm dolphins.

My colleague Senator BOXER and I believe that restoring the original "dolphin-safe" standard is necessary after a recent—and surprising—decision by the Secretary of Commerce that would now allow tuna caught by chasing and encircling dolphins to be deemed "safe" for dolphins.

The "dolphin safe" label came about as an entirely voluntary consumer label. It was created in reaction to public outrage about fishing methods specific to the eastern tropical Pacific Ocean, ETP, where dolphins that swim with schools of yellowfin tuna were intentionally encircled by purse seine tuna vessels and killed in fishing operations. Hundreds of thousands of dolphins died as a result of this practice over the years. A massive consumer boycott of tuna was launched. The U.S. tuna industry stepped up to the plate and voluntarily committed to abandon this "encirclement" practice. This commitment is what the 1990 "dolphin safe" labeling provision recognized. Since that time, the U.S. fishing fleet has not used the encirclement method, and has stopped fishing in the ETP entirely.

In 1997, the act was amended after conclusion of an international dolphin protection agreement among many ETP tuna fishing nations. The change would allow the Secretary of Commerce to consider whether a modified encirclement method could qualify for the dolphin safe label. But, there were those who strongly questioned that any encirclement method could be safe, and a condition of agreeing to this charge was that there would be a scientific study to ensure there would be no adverse impact on the dolphin populations. The amended law directed the Secretary of Commerce to make his decision based on the scientific study.

The deadline for making this decision came at the end of last year. The Secretary had to find that encirclement had no significant impact on dolphins in order to change the standard to allow tuna caught by this method to call itself "dolphin safe." Well, the National Marine Fisheries Service study found that:

concerns remains that the practice of chasing and encircling dolphins somehow is adversely affecting the ability of depleted stocks [of dolphins in the eastern Tropical Pacific] to recover.

Yet, on December 31, 2002, the Secretary of Commerce made a remarkable finding, saying that despite these

stated scientific concerns about chasing and encircling dolphins, there would be "no significant adverse impact" on dolphin populations. As a result, they weakened the labeling standard, allowing tuna caught by encircling and chasing dolphins to be sold as "dolphin safe." Mr. President, this decision did not follow the intent of Congress, which was to base this decision on the science alone. I was particularly concerned about a report in the New York Times this week that scientific studies on dolphin stress were discontinued by NMFS due to political pressure on this very issue. I hope and trust that is not the case, and I am sure we will get to the bottom of this in Committee hearings. But until these scientific questions are sorted out, we need to restore the standard that was in place prior to the decision.

My own interest in this issue has always been threefold: to ensure sound conservation of marine mammals, to provide consumers with the information they need when purchasing tuna, and ensure U.S. tuna fishermen a level playing field on which to compete. This bill is consistent with this philosophy. It sets forth an even-handed measure that gives consumers the straight story. In addition, any country can export tuna to the United States. But to get a specially authorized "dolphin safe" label on the can, they must fish in a dolphin safe way. Quite simply, anyone who wants to use the specific "dolphin safe" label needs to follow the same standards. That's as fair as you can get.

I understand that there may be additional ways we can help restore the dolphin populations of the ETP, including through international action, and I look forward to discussing those ideas. But this is a simple provision that we can surely all agree upon. It says if you want to label your tuna "dolphin safe," you can't harm dolphins. The American consumer wants and deserves clarity when they purchase tuna. I look forward to working with my colleagues to ensure we get to that result.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

H.R. 16. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

H.J. Res. 2. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 140. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. BOND, Mr. KERRY, Mr. CRAPO, Mr. BENNETT, Mr. ENZI, Mr. BURNS, Mr. LEVIN, Ms. LANDRIEU, and Mr. ALLEN):

S. 141. A bill to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN:

S. Res. 17. A resolution recognizing The First Tee for its support of programs that provide young people of all backgrounds an opportunity to develop, through golf and character education, life-enhancing values such as honor, integrity, and sportsmanship; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 35

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 35, a bill to provide economic security for America's workers.

S. 90

At the request of Mr. GREGG, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 90, a bill to extend certain budgetary enforcement to maintain fiscal accountability and responsibility.

S. 105

At the request of Ms. STABENOW, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 105, a bill to repeal certain provisions of the Homeland Security Act (Public Law 107-296) relating to liability with respect to certain vaccines.